

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Paul Monteleoni	Team: Team # 3	CCRB Case #: 200207641	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/13/2002 2:00 PM	Location of Incident: the intersection of 187th Street and Prospect Avenue	Precinct: 48	18 Mo. SOL 5/13/2004	EO SOL 5/13/2004	
Date/Time CV Reported Wed, 11/13/2002 2:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/13/2002 5:14 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Angel Maysonet	01892	901936	048 PCT
2. SGT Federico Martinez	05368	910860	048 PCT
3. SGT Thomas Bracken	00496	905821	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Mccrossen	23730	919384	048 PCT
2. POF Enid Valentin	27600	902500	048 PCT
3. POM Christop Baumann	25017	915285	048 PCT
4. POM Wesley Mojica	13184	921600	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Bracken	Abuse: Sergeant Thomas Bracken stopped and questioned § 87(2)(b)	
B.SGT Thomas Bracken	Force: Sergeant Thomas Bracken used physical force against § 87(2)(b)	
C.SGT Thomas Bracken	Discourtesy: Sergeant Thomas Bracken spoke obscenely and/or rudely to § 87(2)(b)	
D.POM Angel Maysonet	Force: Officer Angel Maysonet used physical force against § 87(2)(b)	
E.POM Angel Maysonet	Abuse: Officer Angel Maysonet threatened § 87(2)(b) with the use of force.	
F.SGT Thomas Bracken	Abuse: Sergeant Thomas Bracken frisked and/or searched § 87(2)(b)	
G.POM Angel Maysonet	Abuse: Officer Angel Maysonet frisked and/or searched § 87(2)(b)	
H.SGT Federico Martinez	Abuse: Sergeant Federico Martinez frisked and/or searched § 87(2)(b)	
I.POM Angel Maysonet	Discourtesy: Officer Angel Maysonet spoke obscenely and/or rudely to an individual.	

Officer(s)	Allegation	Investigator Recommendation
J.SGT Thomas Bracken	Off. Language: Sergeant Thomas Bracken made remarks to § 87(2)(b) based upon race.	
K.POM Angel Maysonet	Off. Language: Officer Angel Maysonet made remarks to § 87(2)(b) based upon § 87(2)(b) mental disability.	
L.POM Angel Maysonet	Abuse: Officer Angel Maysonet refused to provide his shield number to § 87(2)(b)	
M.SGT Thomas Bracken	Abuse: Sergeant Thomas Bracken refused to provide his shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Synopsis

§ 87(2)(b) states that on November 13th, 2002, he was stopped by police officers. § 87(2)(b) alleges that Sergeant Thomas Bracken of the 48th Precinct's Street Narcotics Enforcement Unit stopped him (**Allegation A**), which is § 87(2)(g) by shoving him against a wall while cursing at him (**Allegation B** and **Allegation C**), which are § 87(2)(g). § 87(2)(b) alleges that Officer Maysonet, assigned to the 48th Precinct's tracer unit, also approached and helped shove him against the wall, at the same time cursing at him and threatening him with the use of force (**Allegation D** and **Allegation E**), which are § 87(2)(g). He further states that Sergeant Bracken, Officer Maysonet and Sergeant Federico Martinez of the 48th Precinct's tracer unit all searched him (**Allegation F**, **Allegation G** and **Allegation H**), which are § 87(2)(g). § 87(2)(b)'s nephew § 87(2)(b) came on the scene, and Officer Maysonet allegedly cursed at him (**Allegation I**), which is § 87(2)(g). Sergeant Bracken allegedly joked about the races of § 87(2)(b) and § 87(2)(b). Officer Maysonet allegedly made remarks about § 87(2)(b)'s mental disability, and Officer Maysonet and Sergeant Bracken both allegedly failed to provide their names and shield numbers (**Allegation J**, **Allegation K**, **Allegation L**, and **Allegation M**), which are § 87(2)(g). § 87(2)(g), § 87(4-b)

Summary of Complaint

This complaint was filed with IAB on November 13th, 2002 by § 87(2)(b) who is § 87(2)(b) old and § 87(2)(b). IAB investigated these allegations under log number 02-26279 (enc. 4A-4C) and referred them to the CCRB, which received the complaint on November 13th, 2002 (enc. 5A-5C). His statements to IAB are largely consistent with the content of his CCRB interview, which was conducted at his apartment at § 87(2)(b) on December 2nd, 2002 (enc. 6A-6D). He was interviewed by telephone on March 19th, 2003 (enc. 7A-7B), to obtain more information on which officers used profanity toward him.

§ 87(2)(b) stated that on November 13th, 2002, he was on the corner of 187th Street and Prospect Avenue outside a beauty salon which was next to 2411 Prospect Avenue. At about 1:30 PM he spoke with the superintendent of 2411 Prospect Avenue outside 2411 Prospect Avenue. The superintendent left to get steam valves for § 87(2)(b) so that § 87(2)(b) could install them in the apartment of his friend § 87(2)(b) who lives at 2411 Prospect Avenue. § 87(2)(b) then waited at that location for about half an hour for the superintendent to deliver the steam valves to him. He was not talking to anyone while he was waiting or doing anything besides looking down the block.

At about 2:00 PM, a marked police van drove directly to the corner and stopped in front of § 87(2)(b). Three uniformed officers (identified through the CCRB investigation as Sergeant Thomas Bracken, Officer Enid Valentin, and Officer John McCrossen) exited the van. Sergeant Bracken grabbed § 87(2)(b)'s clothes and pushed him towards the wall. § 87(2)(b) said "yo, why are you stopping me?" and Sergeant Bracken said "shut the fuck up and get up on the wall" and "put your fucking hands on the wall."

A marked patrol car arrived on the scene almost immediately. An officer from this car (identified through the CCRB investigation as Officer Angel Maysonet) also grabbed § 87(2)(b) and roughly assisted Sergeant Bracken in placing him against the wall. Officer Maysonet said that the next time Sergeant Bracken told him to get on the wall, he had better get on the wall, or else Officer Maysonet would "fuck him up." The other officer from the patrol car (identified through the CCRB investigation as Sergeant Federico Martinez) gently helped guide § 87(2)(b) to the wall.

Sergeant Bracken, Officer Maysonet, and Sergeant Martinez began to search § 87(2)(b). Sergeant Bracken, Officer Maysonet, and Sergeant Martinez all went in § 87(2)(b)'s pockets. § 87(2)(b) asked the officers why they were searching him, and Sergeant Bracken told him to "shut the fuck up." Officer Maysonet asked § 87(2)(b) if he paid his taxes. § 87(2)(b) replied that he had paid his taxes, and Officer Maysonet said that he was just doing the job that § 87(2)(b) paid him to do with his tax money.

Sergeant Bracken asked § 87(2)(b) where he was coming from and where he lived. Sergeant Bracken emptied his wallet and threw it on the ground. The other officers just stood by, though they stood at an angle at which § 87(2)(b) could not see their shields. § 87(2)(b) the boyfriend of § 87(2)(b)'s niece § 87(2)(b) arrived shortly after § 87(2)(b) was stopped. § 87(2)(b) asked why § 87(2)(b) was being stopped. Sergeant Bracken told § 87(2)(b) to mind his business and Officer Maysonet said "mind your fucking business, get out of here." § 87(2)(b) stayed, saying he was § 87(2)(b)'s nephew. Sergeant Bracken sarcastically said "oh, I see the family resemblance," apparently referring to the fact that § 87(2)(b) is black while § 87(2)(b) is Puerto Rican.

Officer Maysonet asked if § 87(2)(b) worked, and § 87(2)(b) stated that he was on mental disability. Officer Maysonet said "oh, you're crazy. I'm crazy too, I like crackheads and dope fiends and heroin addicts for lunch and dinner."

About five minutes after § 87(2)(b) was first stopped, § 87(2)(b)'s daughter § 87(2)(b) saw what was going on and ran across the street towards § 87(2)(b) narrowly missing being hit by a civilian car. § 87(2)(b) approached, and § 87(2)(b) said "no, stand back, § 87(2)(b) I'm just being harassed." § 87(2)(b) asked what § 87(2)(b) had done, and Officer Valentin stated that § 87(2)(b) had just come from a drug location. This was not true.

§ 87(2)(b) was let go. His property was returned to him. He had a braided plastic lanyard attached to his keychain, and at the end of his lanyard a three-inch butterfly knife was secured in a loop. § 87(2)(b) asked § 87(2)(b) what was going on, and he said "they're just fucking harassing me." Sergeant Bracken grabbed the knife and ripped it off the lanyard, causing the lanyard to break. § 87(2)(b) asked for a voucher for the knife, but Sergeant Bracken ignored him. He asked Sergeant Bracken and Officer Maysonet for their shield numbers. Officer Maysonet said "you don't need my badge number, you already got it," apparently because he had noticed § 87(2)(b) looking at his shield. Sergeant Bracken did not respond at all when § 87(2)(b) asked for his shield number. § 87(2)(b) memorized the shield numbers of Sergeant Bracken and Officer Maysonet.

In his initial interview, § 87(2)(b) also made statements about an incident where physical force was used on him two to four years ago and another incident in 1994 where physical force was used on him, though he could not provide the dates for either of these incidents. § 87(2)(b) stated that these incidents were acts of retaliation against him for filing complaints about police officers, and so they were referred to IAB on December 6th, 2002 (enc. 22C). IAB investigated these allegations under log number 02-28033 (enc. 20A-20E), concluded that there was nothing to suggest that these incidents were acts of retaliation, and returned these incidents to the CCRB on January 30th, 2003 (enc. 22D). § 87(2)(b)

§ 87(2)(b) IAB also investigated the allegation that Sergeant Bracken stole § 87(2)(b) knife under log number 02-28033, and indicated that § 87(2)(b) did not repeat this allegation to them, but rather stated that Sergeant Bracken merely threw his knife on the ground but did not take it (enc. 20A-20E).

Results of Investigation

Civilian Statements

§ 87(2)(b)

§ 87(2)(b) who is § 87(2)(b)'s daughter, was interviewed by telephone on December 5th, 2002 (enc. 8A-8B). She was uncooperative with the investigator's attempts to obtain a sworn statement (enc. 22C-22H).

§ 87(2)(b) stated that on November 13th, 2002, she was on 187th Street and Prospect Avenue and saw officers pulling on § 87(2)(b) jacket. She crossed the street to get a closer look and was almost hit by a car. An officer told § 87(2)(b) to stop. § 87(2)(b) told the officer she was § 87(2)(b) daughter, and asked

what happened. The officer said that § 87(2)(b) had been seen exiting a drug-prone building. § 87(2)(b) watched as officers searched § 87(2)(b) and talked to him. § 87(2)(b) was also talking to the officers, but § 87(2)(b) could not hear what either party said to the other. Afterward, the officers walked away.

§ 87(2)(b)

§ 87(2)(b) whose contact information was provided by § 87(2)(b) was interviewed by telephone on March 11th, 2003 (enc. 22F).

§ 87(2)(b) stated that § 87(2)(b) is a friend of hers who often helps her perform repairs, but she did not remember if he did so on that date, and she did not know anything about the incident.

Attempts to Obtain Additional Civilian Statements

§ 87(2)(b) was unable to provide § 87(2)(b)'s last name, phone number, or full address, though he did provide contact information for § 87(2)(b)'s girlfriend § 87(2)(b). § 87(2)(b) refused to provide § 87(2)(b)'s contact information, though she stated that she would pass the investigator's contact information on to § 87(2)(b) (enc. 22D). § 87(2)(b) never contacted the investigator.

Officer Statements

Sergeant Thomas Bracken

Sergeant Bracken was interviewed at the CCRB on January 8th, 2003 (enc. 12A-12E). At the time of the incident, Sergeant Bracken was assigned to the 48th Precinct's Street Narcotics Enforcement Unit as the team supervisor in uniform in a marked van with Officer McCrossen and Officer Valentin.

On November 13th, 2002, Sergeant Bracken received a radio transmission from his observation post officer, Officer Baumann, stating that he had observed § 87(2)(b) enter the set, have a short conversation and hand-to-hand transaction with a person in the lobby (visible through the glass outer doors), and exit the location. The transmission stated § 87(2)(b)'s description, which Sergeant Baumann did not remember at the time of his interview, and his direction of flight, which was northbound on Prospect Avenue. Shortly thereafter, Officer Baumann described another buyer over the radio.

Sergeant Bracken's van was parked on 187th Street just east of Prospect Avenue. § 87(2)(b) who fit the description given by Officer Baumann, came into view as he reached the corner of 187th Street walking at a moderate pace. Officer Baumann was giving Sergeant Bracken updates over the radio on § 87(2)(b)'s movements. § 87(2)(b) was the only person who fit the description Officer Baumann gave and was approaching 187th Street at the time that Officer Baumann indicated. § 87(2)(b) was walking at a moderate pace.

§ 87(2)(b) crossed 187th Street and turned, walking west on it. Sgt. Bracken waited until § 87(2)(b) got off of Prospect Avenue, and then told Officer Valentin and Officer McCrossen to pursue the second buyer. The police van drove up slightly behind § 87(2)(b) and Sergeant Bracken exited the van alone. Before Sgt. Bracken stopped § 87(2)(b) Officer Valentin and Officer McCrossen drove away and pursued the other individual that Officer Baumann had described.

Sergeant Bracken started walking after § 87(2)(b). Sergeant Bracken called out "sir, excuse me." § 87(2)(b) about 10 to 15 feet ahead, turned and looked at Sergeant Bracken and immediately turned back. Sergeant Bracken quickly walked up to about 6 to 9 feet from § 87(2)(b) and called out to § 87(2)(b) saying "excuse me." § 87(2)(b) had a closed fist and immediately threw something from his fist into his mouth. As § 87(2)(b)'s back was turned, Sergeant Bracken could not see if he was swallowing anything.

§ 87(2)(b) kept walking, and Sergeant Bracken called out to him again, telling him 2 or 3 times to stop. Sergeant Bracken may have tapped § 87(2)(b) on the shoulder to get his attention, but did not hold him. § 87(2)(b) stopped under his own power and turned around, saying "what?" Sergeant Bracken said

“where are you coming from?” § 87(2)(b) said “I don’t have any drugs on me,” and Sergeant Bracken said “I didn’t ask you if you had any drugs on you, I just asked you where you were coming from.” § 87(2)(b) became irate and appeared to be angry that Sergeant Bracken was stopping him at all.

Sergeant Bracken noticed that § 87(2)(b) had a bulge in his waist area, and he patted § 87(2)(b) down in the middle of the sidewalk. § 87(2)(b) was not placed against a wall when he was frisked, nor was he directly next to a wall. Sergeant Bracken asked § 87(2)(b) to lift his shirt so that he could see the bulge. The bulge turned out to be keys and a pocketknife on a keychain which was on a yellow/green bungee cord clipped to his belt. Sergeant Bracken just looked at the keys and pocketknife and did not take them to examine them. § 87(2)(b) did not make any movements to resist being frisked. Sergeant Bracken did not go into § 87(2)(b)’s pockets. Apart from frisking § 87(2)(b) and touching him when he stopped him, Sergeant Bracken did not touch § 87(2)(b) at all.

After frisking § 87(2)(b) Sergeant Bracken proceeded to question him. He asked § 87(2)(b) where he was coming from, and § 87(2)(b) stated that it was none of his business. Sergeant Bracken stated that § 87(2)(b) was observed by another officer entering a known drug building and that he was observed in a hand-to-hand drug transaction with an apprehended dealer. § 87(2)(b) was angry at being stopped and was being loud, but Sergeant Bracken did not raise his voice. Sergeant Bracken told § 87(2)(b) to relax and asked him his pedigree information, his name, where he was going, and where he was coming from. § 87(2)(b) again stated that it was none of his business. Sergeant Bracken asked if § 87(2)(b) knew anyone in the building, and he said that it was none of Sergeant Bracken’s business. Sergeant Bracken informed § 87(2)(b) that the building was a criminal trespass building, and that if he didn’t have a legitimate excuse for being in the building he could be arrested for criminal trespass. At no point in the interaction did § 87(2)(b) calm down. § 87(2)(b) did not provide any information, and Sergeant Bracken did not learn his name until his CCRB interview. § 87(2)(b) did not state where he was coming from or acknowledge that he had come from the building Sergeant Bracken described.

§ 87(2)(b) was being loud, and about 4 people started gathering around. Sergeant Bracken said “do me a favor, back up and we’ll be done in a couple of minutes” to the bystanders, and § 87(2)(b) said “that’s my nephew,” referring to a bystander who was right nearby. Sergeant Bracken did not remember whether or not the bystander looked like § 87(2)(b). Sergeant Bracken never said anything about whether or not the nephew looked like him. Sergeant Bracken did not remember having any conversation with the nephew or any of the civilians besides generally telling the bystanders to back up. Sergeant Bracken did not remember any of the civilians saying anything to him or to § 87(2)(b).

Sergeant Federico Martinez and Officer Angel Maysonet were across the street at a Chinese restaurant getting food at the time. They observed that Sergeant Bracken was by himself and that § 87(2)(b) was loud and irate. Sergeant Martinez and Officer Maysonet ran across the street to back Sergeant Bracken up, but Sergeant Bracken told them that he was fine. Sergeant Bracken did not remember the officers having any interaction with any of the civilians. The officers had not been present when § 87(2)(b) was being frisked. None of these other officers frisked or searched § 87(2)(b) or touched him at all.

Sergeant Bracken told § 87(2)(b) that he would give him a break, and told him not to go back to the building, as it was a known drug location. Sergeant Bracken used his discretion and released § 87(2)(b) as the team had already made several arrests and § 87(2)(b) was irate and in the presence of his nephew. Additionally, this was still fairly near the set, and Sgt. Bracken felt that the crowd and disruption might alert the drug dealers. Around when Sgt. Bracken was releasing § 87(2)(b) a female said “Daddy, what happened?” to § 87(2)(b). Sergeant Bracken did not recall having any interaction with this female or her having any interaction with the other officers.

Sergeant Bracken prepared a stop and frisk report for § 87(2)(b) but it did not have § 87(2)(b)’s name on it, as § 87(2)(b) refused to provide any information. Sergeant Bracken never had to grab or push § 87(2)(b) in stopping him. Sergeant Bracken never told § 87(2)(b) to “shut the fuck up” or to put his “fucking hands on the wall.” No officer told § 87(2)(b) to “shut the fuck up.” Sergeant Bracken did not ask § 87(2)(b) what he did for a living. § 87(2)(b) never stated to any officer that he was on disability of any kind.

§ 87(2)(b) never asked for the shield number of any officer present that Sergeant Bracken remembered. No officer ever said “you’re crazy, I’m crazy too; I eat crackheads for breakfast.”

Officer Angel Maysonet

Officer Maysonet was interviewed at the CCRB on January 7th, 2003 (enc. 10A-10E). At the time of the incident, he was assigned to the 48th Precinct’s tracer unit with Sergeant Martinez dressed in uniform and assigned to a marked van.

Sergeant Martinez and Officer Maysonet were driving to a Chinese restaurant near the corner of 187th Street and Prospect Avenue to get food. Officer Maysonet saw a marked police van in the street with one of its doors open. He believed that this was the drivers’ door. Officer Maysonet also saw Sergeant Bracken, in uniform, engaged in conversation with an individual (identified through the CCRB investigation as § 87(2)(b) on the sidewalk about 10 feet away from a building. There were no other officers on the scene. There were two other civilians on the corner who were standing and watching what was going on, but they did not seem to be otherwise involved. As Sergeant Bracken was alone and the van was left the way it was, Sergeant Martinez and Officer Maysonet approached to within 3 to 5 feet of Sergeant Bracken to provide assistance.

Officer Maysonet could not describe the demeanor of § 87(2)(b) what kind of conversation they were having, or whether or not § 87(2)(b) appeared to be a suspect. Although he was near enough that he could “probably” hear the conversation, Officer Maysonet did not remember what § 87(2)(b) and Sergeant Bracken were talking about.

Officer Maysonet did not remember if any of the other civilians had any interaction with § 87(2)(b) or with any officers. Officer Maysonet did not say anything to § 87(2)(b). None of the civilians ever spoke to Officer Maysonet, who did not remember if § 87(2)(b) talked to any other civilians.

Officer Maysonet did not see § 87(2)(b) placed up against a building, frisked, or searched. No officer asked § 87(2)(b) what his job was, and § 87(2)(b) did not say that he was on disability of any sort. Nobody said that § 87(2)(b) was on mental disability. Officer Maysonet did not see any officer touch § 87(2)(b) and did not remember § 87(2)(b) asking any officer for their names or shield numbers. § 87(2)(b) never asked for vouchers for any of his property, and nothing indicated to Officer Maysonet that Sergeant Bracken might have searched him and checked some of his property. Officer Maysonet never heard Sergeant Bracken tell § 87(2)(b) to “shut the fuck up” or to put his “fucking hands on the wall.” No officer threatened to “fuck up” § 87(2)(b) or ever said “you’re crazy- I’m crazy too, I eat crackheads for lunch” or told him to “shut the fuck up.” No officer ever made any remarks about § 87(2)(b)’s relatives.

Sergeant Bracken finished his conversation with § 87(2)(b) who left. He began screaming and cursing, though Officer Maysonet did not know what he said or why he began cursing at that point. When asked whether it was unusual for a civilian to begin cursing when an officer leaves, Officer Maysonet responded that it happened “all the time.” Officer Maysonet and Sergeant Martinez got back in their van and went to the Chinese restaurant. The last that PO Maysonet saw § 87(2)(b) he was still cursing.

Sergeant Federico Martinez

Sergeant Martinez was interviewed at the CCRB on January 7th, 2003 (enc. 11A-11D). At the time of the incident, he was assigned to the 48th Precinct as tracer sergeant working in uniform in a marked van with Officer Maysonet.

Sergeant Martinez and Officer Maysonet were in the vicinity of 187th Street and Prospect Avenue and were about to order food at a Chinese restaurant. Sergeant Martinez looked out the window and saw Sergeant Bracken with an individual (identified through the CCRB investigation as § 87(2)(b). Sergeant Martinez saw Sergeant Bracken place § 87(2)(b) against a wall. Sergeant Martinez did not remember how Sergeant Bracken placed § 87(2)(b) against the wall, but there was no struggle involved. Sergeant

Martinez did not remember if Sergeant Bracken had to use any kind of force to place § 87(2)(b) against the wall, and did not remember Sergeant Bracken grabbing, pushing, or shoving § 87(2)(b).

There were no other officers on the scene at that point. Sergeant Bracken was preparing to frisk § 87(2)(b) and as Sergeant Bracken was alone, Sergeant Martinez decided to assist him. Sergeant Martinez and Officer Maysonet crossed the street and provided backup for Sergeant Bracken. Sergeant Bracken frisked § 87(2)(b) and neither Sergeant Martinez nor Officer Maysonet assisted in this frisk. Sergeant Bracken did not retrieve or examine any of § 87(2)(b)'s property.

Sergeant Martinez did not remember any kind of conversation between Sergeant Bracken and § 87(2)(b) who was slightly agitated. Sergeant Martinez did not remember if § 87(2)(b) cursed at any of the officers. Neither Officer Maysonet nor Sergeant Martinez said anything to § 87(2)(b). § 87(2)(b) didn't say anything about someone nearby being a relative of his, and no officers discussed the possibility that any civilians nearby were relatives of § 87(2)(b). Nobody asked § 87(2)(b) what he did for a living, and Sergeant Martinez did not remember § 87(2)(b) saying he was on mental disability. Besides Sergeant Bracken placing § 87(2)(b) against the wall and frisking him, no officers touched § 87(2)(b). § 87(2)(b) never asked for a voucher for any property that Sgt. Bracken examined.

Sergeant Bracken never told § 87(2)(b) to "shut the fuck up" or to put his "fucking hands" on the wall. No officer said that he would "fuck up" § 87(2)(b). No officer ever said "you're crazy, I'm crazy too, I eat crackheads for breakfast." No officer told § 87(2)(b) to "shut the fuck up." Sergeant Martinez did not believe that § 87(2)(b) asked for the shield numbers of any of the officers. People had stopped to look at the situation, but they did not get involved. None of the officers said anything to any of the other civilians. Sergeant Martinez did not observe any officer using any kind of profanity toward § 87(2)(b). Sgt. Martinez did not have any physical contact with § 87(2)(b).

After the frisk, Sergeant Bracken told the officers that he was OK, and Sergeant Martinez and Officer Maysonet returned to the restaurant. The last Sergeant Martinez saw, Sergeant Bracken was still near § 87(2)(b).

Officer John McCrossen

Officer McCrossen was interviewed at the CCRB on February 18th, 2003 (enc. 13A-13D). At the time of the incident, he was assigned to the 48th Precinct's Street Narcotics Enforcement Unit, working in uniform and assigned to a marked van with Sergeant Bracken and Officer Valentin.

On November 13th, 2002, the officers received a description of § 87(2)(b) from the team's observation post. Officer McCrossen, Officer Valentin, and Sergeant Bracken went to the location § 87(2)(b) was headed towards, and then observed § 87(2)(b) on the sidewalk at the intersection of 187th Street and Prospect Avenue. Officer McCrossen and Officer Valentin dropped off Sgt. Bracken. At that time, the observation post transmitted a description of another subject to stop. Officer McCrossen and Officer Valentin apprehended the second individual and did not see the stop of § 87(2)(b). He did not know anything more about the stop of § 87(2)(b).

Officer Enid Valentin

Officer Valentin was interviewed at the CCRB on February 19th, 2003 (enc. 15A-15D). At the time of the incident, she was assigned to the 48th Precinct's Street Narcotics Enforcement Unit, working in uniform and assigned to a marked van with Sergeant Bracken and Officer McCrossen.

Officer Valentin remembers that she was in a vehicle only with Sergeant Bracken, and that the team received two descriptions simultaneously. She was dropped off alone to apprehend one subject, while Sergeant Bracken and Officer Maysonet, who was also assigned to the Street Narcotics Enforcement Unit team in a separate vehicle, apprehended § 87(2)(b). While stopping her subject, Officer Valentin observed § 87(2)(b) against a wall and Sergeant Bracken near him, but did not see how he got there. Sergeant Martinez, not assigned to the team, happened to be driving by and decided to assist Sergeant Bracken and

Officer Maysonet by exiting his vehicle and approaching. Once she saw this, Officer Valentin turned her attention to her subject and did not see § 87(2)(b) or the stop again.

Officer Christopher Baumann

Officer Baumann was interviewed at the CCRB on June 18th, 2003 (enc. 16A-16B). At the time of the incident, he was assigned to the 48th Precinct Street Narcotics Enforcement Unit's observation post with Officer Mojica.

Officer Baumann had no specific recollection of the incident. The observation post where he was stationed is across the street from 2325 Prospect Avenue, a known drug location where Officer Baumann would typically make around 7 to 10 observations of drug transactions in a day. Drug transactions take place both outside and inside. Due to the large glass window in the front of that building, and the lighted hallway, Officer Baumann is able to see people in the lobby of the building from their thighs up. When Officer Baumann sees an exchange of US currency for a small object, he broadcasts a description of the person who bought the drugs, their clothing, their direction of flight, and continues to update the other officers in the unit as to the direction of flight until the subject leaves his line of sight.

Officer Wesley Mojica

Officer Mojica was interviewed at the CCRB on February 18th, 2003 (enc. 14A-14B). At the time of the incident he was assigned to the 48th Precinct Street Narcotics Enforcement Unit's observation post with Officer Baumann.

Officer Mojica had no memory of the incident. He was assigned to provide security for Officer Baumann and did not observe any of the drug transactions.

Police Documents

The 48th Precinct's stop and frisk log has no entries made by Sergeant Bracken or any member of his team around November 13th, 2002 (enc. 17A-17B). Sergeant Bracken was unable to produce the stop and frisk report he prepared for § 87(2)(b) (enc. 22G). The 48th Precinct's 2nd Platoon roll call for November 13th, 2002 (enc. 18A-18I) indicates that Sergeant Bracken, Officer Baumann, Officer McCrossen, Officer Valentin, and Officer Mojica were assigned to the Street Narcotics Enforcement Unit, and Sergeant Martinez and Officer Maysonet were assigned to the tracer unit. The 48th Precinct's Daily Vehicle Assignment Sheet (enc. 19A) confirms that Sergeant Bracken's van was assigned to the Street Narcotics Enforcement Unit and Sergeant Martinez's van was assigned to the tracer unit. IAB log #02-28033 (enc. 20A-20E) and IA number 9916561 (enc. 21A-21B) cover § 87(2)(b)'s additional allegations which cannot be investigated due to lack of specificity in date.

Officer Identification

Sergeant Bracken is the subject of Allegation A, Allegation B, Allegation C, Allegation F, Allegation J, Allegation M, and § 87(2)(b) because his testimony indicates that he was the first officer to stop § 87(2)(b) who identified that officer as the subject of these allegations.

Officer Maysonet is the subject of Allegation D, Allegation E, Allegation G, Allegation I, Allegation K, and Allegation L because § 87(2)(b) reported that of the two officers who assisted Sergeant Bracken, the subject of these allegations was not a sergeant due to the lack of stripes on his arm.

Sergeant Martinez is the subject of Allegation H because § 87(2)(b) identified the subject of this allegation as a sergeant who assisted Sergeant Bracken in searching him.

§ 87(2)(b)'s Criminal Conviction History

§ 87(2)(b) has no previous criminal convictions (enc. 22I).

Subject Officers' CCRB Histories

None of the subject officers has any prior CCRB complaints (enc. 5A-5C).

Conclusions and Recommendations

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation A, Abuse of Authority: Sergeant Thomas Bracken stopped and questioned § 87(2)(b)

Sergeant Bracken, Officer Valentin and Officer McCrossen all corroborate that Officer Baumann broadcast a transmission instructing them to stop § 87(2)(b) on the grounds that he had been observed in a drug transaction. As Kamins notes in *New York Search and Seizure* (enc. 1A-1B), in cases where an officer broadcasts a description of a subject, “pursuant to the ‘fellow officer’ rule,” the receiver of the information is entitled to believe that the information transmitted is “reliable and accurate.” The corroboration of the testimony of Sergeant Bracken, Officer Valentin, Officer McCrossen, Officer Mojica, and Officer Baumann suggests that the team was conducting observations on that date with Officer Baumann as the observing officer. Additionally, Sergeant Bracken, Officer McCrossen, Sergeant Martinez, Officer Maysonet, and § 87(2)(b) all corroborate the claim that Sergeant Bracken stopped § 87(2)(b) alone, which is consistent with the claim made by Sergeant Bracken, Officer McCrossen, and Officer Valentin that two transmissions were made in close proximity. Therefore, the preponderance of the evidence suggests that this transmission did take place. § 87(2)(g)

As Kamins notes in *New York Search and Seizure* (enc. 1C), “where an officer observes an exchange of currency for an unidentified object, reasonable suspicion will arise if the exchange occurs in a drug-prone area.” As the

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation B, Force: Sergeant Thomas Bracken used physical force against § 87(2)(b)

§ 87(2)(b) alleges that Sergeant Bracken grabbed him and shoved him against the wall of a building. Sergeant Bracken indicates that he never touched § 87(2)(b) except to frisk him and possibly to tap him on

his shoulder, and that he did not conduct the frisk next to a wall. Sergeant Martinez indicates that Sergeant Bracken placed § 87(2)(b) against a wall to frisk him, but did not shove him. Officer Maysonet did not observe Sergeant Bracken touching § 87(2)(b) § 87(2)(b), § 87(2)(g)

Allegation C, Discourtesy: Sergeant Thomas Bracken spoke obscenely and/or rudely to § 87(2)(b)

Sergeant Bracken, Officer Maysonet, Sergeant Martinez, and § 87(2)(b) all fail to report any use of profanity by Sergeant Bracken against § 87(2)(b) stated, however, that she could not hear what was being said even when she arrived, which was late in the incident, and § 87(2)(b), § 87(2)(g)

Allegation D, Force: Officer Angel Maysonet used physical force against § 87(2)(b)

Allegation E, Abuse of Authority: Officer Angel Maysonet threatened § 87(2)(b) with the use of force.

§ 87(2)(b) states that Officer Maysonet roughly shoved him against the wall, stating that he would “fuck him up” if he failed to obey Sergeant Bracken’s instructions in the future. Officer Maysonet states that he arrived after § 87(2)(b) was already fully stopped and never touched § 87(2)(b) or spoke to him, and Sergeant Bracken and Sergeant Martinez both corroborate this account. § 87(2)(g)

Allegation F, Abuse of Authority: Sergeant Thomas Bracken frisked and searched § 87(2)(b)

As discussed in Allegation A, above, § 87(2)(b), § 87(2)(g)

Sergeant Bracken states that § 87(2)(b)’s behavior when approached was suspicious and might therefore have provided probable cause for him to search. § 87(2)(b), § 87(2)(g)

Allegation G, Abuse of Authority: Officer Angel Maysonet frisked and searched § 87(2)(b)

Allegation H, Abuse of Authority: Sergeant Federico Martinez frisked and searched § 87(2)(b)

Officer Maysonet and Sergeant Martinez both state that they did not frisk or search § 87(2)(b) and Sergeant Bracken corroborates this claim. As she was uncooperative with the investigator’s attempts to obtain a sworn statement, § 87(2)(b) did not describe the incident in sufficient detail to indicate which officers frisked § 87(2)(b) § 87(2)(b), § 87(2)(g)

Allegation I, Discourtesy: Officer Angel Maysonet spoke obscenely and/or rudely to an individual.

As the investigator was unable to obtain § 87(2)(b)'s full name or contact information and as nobody except § 87(2)(b) reports Officer Maysonet's interaction with § 87(2)(b) § 87(2)(g)

Allegation J, Offensive Language: Sergeant Thomas Bracken made remarks to § 87(2)(b) based on race.

Allegation K, Offensive Language: Officer Angel Maysonet made remarks to § 87(2)(b) based on § 87(2)(b)'s mental disability.

Allegation L, Abuse of Authority: Officer Angel Maysonet refused to provide his shield number to § 87(2)(b)

Allegation M, Abuse of Authority: Sergeant Thomas Bracken refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) states that Sergeant Bracken sarcastically stated that he could see a resemblance between § 87(2)(b) who is Puerto Rican, and § 87(2)(b) who is black, and states that he found this to be a remark offensive to him on racial grounds. He also states that Officer Maysonet, upon learning that he was collecting benefits for mental disability, said "oh, you're crazy?," and that § 87(2)(b) asked for the names and shield numbers of Sergeant Bracken and Officer Maysonet, which they refuse to provide. Sergeant Bracken, Sergeant Martinez, Officer Maysonet, and § 87(2)(b) all fail to corroborate these claims, though Sergeant Bracken does indicate that a nephew of § 87(2)(b) was present at one point during the incident. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: